

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

ROBERT L. NORMAN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

SCANA CORPORATION, KEVIN B.
MARSH, JIMMY E. ADDISON, and
STEPHEN A. BYRNE,

Defendants.

No. 3:17-cv-02616-MBS

CLASS ACTION

Caption continued on next page.

**MOTION OF THE WEST VIRGINIA INVESTMENT MANAGEMENT BOARD AND
BLUE SKY FOR APPOINTMENT AS LEAD PLAINTIFF, APPROVAL OF THEIR
SELECTION OF LEAD COUNSEL, AND CONSOLIDATION OF RELATED ACTIONS**

KENNETH EVANS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

SCANA CORPORATION, KEVIN B.
MARSH, and JIMMY E. ADDISON,

Defendants.

No. 3:17-cv-02683-MBS

CLASS ACTION

MARSHA FOX, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

SCANA CORPORATION, KEVIN B.
MARSH, JIMMY E. ADDISON, and
STEPHEN A. BYRNE,

Defendants.

No. 3:17-cv-03063-MBS

CLASS ACTION

WEST PALM BEACH FIREFIGHTERS'
PENSION FUND, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

SCANA CORPORATION, KEVIN B.
MARSH, JIMMY E. ADDISON, and
STEPHEN A. BYRNE,

Defendants.

No. 3:17-cv-03141-MBS

CLASS ACTION

The West Virginia Investment Management Board (“West Virginia IMB”) and Blue Sky¹ hereby move the Court for entry of an Order pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”): (1) appointing West Virginia IMB and Blue Sky as Lead Plaintiff in the above-captioned related actions; (2) approving their selection of Labaton Sucharow LLP (“Labaton Sucharow”) and Bernstein Litowitz Berger & Grossmann LLP (“Bernstein Litowitz”) as Lead Counsel for the Class; (3) consolidating the above-captioned related actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure (the “Related Actions”); and (4) for any such further relief as the Court may deem just and proper.²

This Motion is made on the grounds that West Virginia IMB and Blue Sky believe they are “the most adequate plaintiff” under the PSLRA and should, therefore, be appointed Lead Plaintiff. Specifically, West Virginia IMB and Blue Sky believe that they have the largest financial interest in the relief sought by the Class in this action by virtue of, among other things, the over \$4 million in losses that they incurred on their investments in approximately 230,000 shares of SCANA stock. Further, West Virginia IMB and Blue Sky also satisfy the requirements of Rule 23 of the Federal Rules of Civil Procedure because their claims are typical of other Class members’ claims and because they will fairly and adequately represent the interests of the Class. Moreover, West

¹ “Blue Sky” refers to the following related funds: Stichting Blue Sky Global Equity Active Low Volatility Fund; and Stichting Blue Sky Active Large Cap Equity USA Fund.

² Pursuant to Local Civil Rule 7.02, counsel for West Virginia IMB and Blue Sky state that they were not able to confer with counsel for the opposing movants prior to filing the instant motion. The statutory framework of the PSLRA requires all motions seeking Lead Plaintiff appointment to be filed within 60 days of the publication of the notice of pendency of the action. No such motions were filed meaningfully in advance of West Virginia IMB’s and Blue Sky’s motion, and it was not possible to confer with counsel for the other movants to determine whether the instant motion would be opposed or to attempt to resolve the issues raised by the motion.

Virginia IMB and Blue Sky are a paradigmatic Lead Plaintiff under the PSLRA because they are each sophisticated institutional investors with a real financial interest in the litigation, which guarantees effective monitoring and supervision of counsel.

West Virginia IMB and Blue Sky respectfully request oral argument.

This Motion is based upon the accompanying Memorandum of Law in support thereof, the Declaration of Marlon E. Kimpson filed herewith, the pleadings and other filings herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, West Virginia IMB and Blue Sky respectfully request that the Court: (1) appoint West Virginia IMB and Blue Sky as Lead Plaintiff pursuant to the PSLRA; (2) approve their selection of Labaton Sucharow and Bernstein Litowitz as Lead Counsel for the Class; (3) consolidate the Related Actions; and (4) grant such further relief as the Court may deem just and proper.

DATED: November 27, 2017

Respectfully submitted,

/s/ Marlon E. Kimpson

Marlon E. Kimpson (D.S.C. Bar No. 7487)
William S. Norton (D.S.C. Bar No. 11343)
Joshua C. Littlejohn (D.S.C. Bar No. 10426)
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
Telephone: (843) 216-9000
Facsimile: (843) 216-9450
mkimpson@motleyrice.com
bnorton@motleyrice.com
jlittlejohn@motleyrice.com

*Liaison Counsel for Proposed Lead Plaintiff
West Virginia IMB and Blue Sky*

Gerald H. Silk (*pro hac vice forthcoming*)

Avi Josefson (*pro hac vice forthcoming*)

Jeroen van Kwawegen (*pro hac vice
forthcoming*)

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

1251 Avenue of the Americas

New York, New York 10020

Telephone: (212) 554-1400

Facsimile: (212) 554-1444

jerry@blbglaw.com

avi@blbglaw.com

jeroen@blbglaw.com

Christopher J. Keller (*pro hac vice
forthcoming*)

Eric J. Belfi (*pro hac vice forthcoming*)

Francis P. McConville (*pro hac vice
forthcoming*)

LABATON SUCHAROW LLP

140 Broadway

New York, New York 10005

Telephone: (212) 907-0700

Facsimile: (212) 818-0477

ckeller@labaton.com

ebelfi@labaton.com

fmcconville@labaton.com

*Counsel for Proposed Lead Plaintiff West
Virginia IMB and Blue Sky and Proposed Lead
Counsel for the Class*

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of November 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

/s/ Marlon E. Kimpson

Marlon E. Kimpson